

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

<b>(1) DIFEEE MOTOR CARS SOUTH, INC.,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-16-724-M</b>
	)	
<b>(1) UNIVERSAL UNDERWRITERS</b>	)	<b>Removed from District Court</b>
<b>INSURANCE COMPANY,</b>	)	<b>of Oklahoma County,</b>
	)	<b>Case No. CJ-2016-1508</b>
<b>Defendant.</b>	)	

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1441 and § 1446, the Defendant, Universal Underwriters Insurance Company (“Defendant”), hereby gives notice of removal of this action from the District Court of Oklahoma County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma, based upon the following:

1. This case, originally styled *Diffee Motor Cars South, Inc. v. Zurich American Insurance Company*, was filed on March 22, 2016 in the District Court in and for Oklahoma County, Oklahoma, bearing civil action number CJ-2016-1508 on the docket of that Court. (See Docket Sheet, attached as Exhibit 1; original Petition, attached as Exhibit 2). On June 6, 2016, Plaintiff filed an Amended Petition, replacing Defendant Zurich American Insurance Company with Defendant Universal Underwriters Insurance Company, and now the action is styled *Diffee Motor Cars South, Inc. v. Universal Underwriters Insurance Company*. (See Amended Petition, attached as Exhibit 3).

2. The lawsuit is a “civil action” within the meaning of 28 U.S.C. § 1441(a).

3. Removal of this case is based upon diversity of citizenship. 28 U.S.C. § 1332, § 1441, and § 1446(a) and (b).

4. In the Amended Petition, the Plaintiff, Diffie Motor Cars South, Inc. (“Plaintiff”), alleges that it “is situated in Oklahoma City, Oklahoma County, Oklahoma,” and that it “has an insurable interest in all property located at 200 & 300 South MacArthur Blvd., Oklahoma City, Oklahoma 73128.” Plaintiff further alleges that its “insured property is located in Oklahoma County, Oklahoma. (See Amended Petition, attached as Exhibit 3, at ¶¶ 1, 3).

5. Defendant is an Illinois corporation with a statutory home office and principal place of business in Schaumburg, Illinois.

6. The amount in controversy is in excess of the amount required by 28 U.S.C. §1332 for diversity-of-citizenship jurisdiction, as Plaintiff alleges in its Amended Petition that Defendant underpaid its insurance claim by one hundred sixty-eight thousand, seven hundred sixty-six dollars and 78/100 (\$168,766.68). (See Amended Petition, attached as Exhibit 3, at ¶¶ 14-15). Plaintiff further alleges in the Amended Petition that “[t]he amount of punitive damages sought to be recovered is in excess of the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code.” (See Amended Petition, attached as Exhibit 3, at ¶ 38).

7. Defendant received the Amended Petition on June 6, 2016. (See e-mail from Drew Houghton to William Perrine on Monday, June 6, 2016 4:51 PM, attached as Exhibit 4). From the Amended Petition, Defendant ascertained that this case is

removable. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is being filed within thirty (30) days of Defendant's receipt of the Amended Petition.

8. Attached hereto and marked as Exhibits 1 through 3 are true and correct copies of all pleadings filed in the underlying civil action pending in the District Court of Oklahoma County, Oklahoma.

9. A copy of this Notice of Removal will be promptly filed with the Clerk of the District Court in and for Oklahoma County, Oklahoma, and notice of the removal shall be given to all parties pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, removal of this action to the United States District Court is proper under 28 U.S.C. § 1332, § 1441, and § 1446(a) and (b), because there is complete diversity of citizenship between the Plaintiff, Diffie Motor Cars South, Inc., and the Defendant, Universal Underwriters Insurance Company, and the amount in controversy exceeds \$75,000.

Respectfully submitted,

PERRINE, REDEMANN, BERRY, TAYLOR  
& SLOAN, P.L.L.C.

*s/William D. Perrine*

William D. Perrine, OBA No. 11955  
Reagan Madison Fort, OBA No. 20761  
P.O. Box 1710  
Tulsa, Oklahoma 74101  
Telephone: 918-382-1400  
Facsimile: 918-382-1499

[wperrine@pmrlaw.net](mailto:wperrine@pmrlaw.net)

[rmadison@pmrlaw.net](mailto:rmadison@pmrlaw.net)

*Counsel for Defendant,  
Universal Underwriters Insurance Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of June 2016, a true and correct copy of the above and foregoing document was sent via U.S. Mail, with postage prepaid thereon, to the following counsel of record for Plaintiff:

J. Drew Houghton, OBA No. 18080  
Foshee & Yaffe  
PO Box 890550  
Oklahoma City, OK 73189  
[dhoughton@fosheeyaffe.com](mailto:dhoughton@fosheeyaffe.com)

-and-

Larry E. Bache, Esq., FL Bar No. 91304  
Merlin Law Group  
777 S. Harbour Blvd, 9<sup>th</sup> Floor  
Tampa, FL 33602  
[lbache@merlinlawgroup.com](mailto:lbache@merlinlawgroup.com)  
*Counsel for Plaintiff*

*s/William D. Perrine*

William D. Perrine